

1 A I don't recall. Probably my secretary.

2 MR. TOPEL: Do you know?

3 THE WITNESS: No, I don't know.

4 BY MR. SHOOK:

5 Q It would be your testimony, then, that checking  
6 the box "technical director" was a mistake and that the box  
7 "technical consultant" should have been checked?

8 A Yes.

9 Q Do you recall ever having held yourself out as  
10 the director of engineering of NMTV, Inc.?

11 A Once again, same answer, no, I don't consider  
12 myself to be director of engineering. It's possible that  
13 through my word processor that that term could exist on a  
14 document somewhere.

15 Q I'm going to show you a document dated March  
16 24, 1989, Bates stamped 028369.

17 There is a signature there, correct?

18 A Yes.

19 Q And that signature is yours?

20 A Yes.

21 Q Now, I also can see from the document that you  
22 personally did not prepare this document.

23 A Correct.

24 Q However, you did sign it?

25 A Yes.

1 Q To be entirely accurate, the title that's  
2 reflected there should be something other than what it  
3 appears?

4 A Yes.

5 Q And what should that title be?

6 A "Technical consultant."

7 Q I'm going to show you a document Bates stamped  
8 06733, and it's dated May 10, 1989.

9 Do you recognize the signature?

10 A Yes.

11 Q It is yours, right?

12 A Yes.

13 Q This memo is directed to "All Chief Engineers."  
14 Do you know what that term is meant to encompass there?

15 A In the context of this memorandum, it was as a  
16 technical advisory to all owned and operated and affiliated  
17 stations using this particular type of equipment.

18 MR. TOPEL: We did cover this yesterday. I'm  
19 correct, aren't I, that you answered the same questions  
20 yesterday?

21 THE WITNESS: Yes.

22 BY MR. SHOOK:

23 Q Was the question asked whether this document  
24 went to the Odessa chief engineer?

25 A Yes.

1 Q And it did?

2 A To the best of my knowledge, it did.

3 Q I'm going to show you a document titled  
4 "Memorandum" dated August 16, 1989. It says it's to Lou  
5 Cohen, but it's not this Lou Cohen. Apparently it is  
6 someone else.

7 Do you recognize the signature at the bottom?

8 A Yes, I do.

9 Q And it's yours?

10 A Yes.

11 Q The title that's used there, "director of  
12 engineering, National Minority TV, Inc.," that would be an  
13 incorrect title?

14 A Incorrect.

15 Q But when you signed this letter, the title was  
16 there?

17 A Yes, it was.

18 Q To be accurate, it should read what?

19 A "Technical consultant."

20 Q Did you have any supervisory responsibilities  
21 with respect to a Tim Ullery?

22 A No, I did not.

23 Q I'm going to show you a document that reflects  
24 Bates stamps 029101 and 102. The top portion of it has been  
25 cut off. It's to Jane Duff from Darlene Eve, dated June 29,

1 1990. The first page of the document reflects a cc to  
2 yourself.

3 Do you recall having seen both the cover memo  
4 and then the underlying document?

5 A Yes, I do recall having seen this.

6 Q Do you have any explanation as to why this  
7 document was sent to you in addition to Jane Duff?

8 A No.

9 Q I'm going to show you a two-page document Bates  
10 stamped 027715 and 027716. It's dated February 28, 1991, or  
11 the first page is, rather. The second page bears a date of  
12 February 25, 1991. The copy that I have is unsigned.

13 A Okay.

14 Q Did you have any involvement in the preparation  
15 of the second page, the one that bears your name but not  
16 your signature?

17 A I would have had my secretary type this.

18 Q Do you recall signing such a document in  
19 connection with the application that's referenced on the  
20 first page?

21 A Yes. This is for WHSG, Monroe, Georgia for  
22 TBN, and I do recall having signed this.

23 Q Do you have any independent recollection as to  
24 whether -- excuse me. Let me rephrase that.

25 The box there for "technical director," then,

1 in reference to a TBN application, or the Georgia  
2 application, that would be correct?

3 A That would be correct.

4 Q To your knowledge, was George Sebastian a  
5 salaried employee of TBN?

6 A I really don't know.

7 Q Do you have any knowledge as to whether George  
8 Sebastian received any salary from NMTV?

9 A I don't know.

10 Q Now, there was some testimony this morning,  
11 some questions and answers this morning, relative to your  
12 activities as a consultant, and I understand that there was  
13 basically a standing objection to the relevancy of many of  
14 those questions.

15 With respect to All American TV, I don't recall  
16 whether there was a question and an answer to you in terms  
17 of where you perform the consulting duties that you perform  
18 on behalf of All American TV.

19 A I would say the majority are on the Trinity  
20 premises, and then the remainder from my home.

21 Q And I think you testified this morning that it  
22 makes no difference in terms of the payment that you receive  
23 from All American TV as to where your duties are performed,  
24 that is, at your home or at Trinity.

25 A No.

1 Q And that in turn your Trinity salary is not  
2 affected by whether or not you perform duties for  
3 All American TV?

4 A That's correct.

5 Q Are you aware of any process, policy or  
6 procedure by which TBN determines whether it will file new  
7 or major change low-power television station applications?

8 A No.

9 Q Are you aware of any process, policy or  
10 procedure by which NMTV determines whether it will file new  
11 or major change low-power television station applications?

12 A Can you rephrase the first question? I may  
13 have given an incorrect answer.

14 Q Well, let me ask the question that I asked, and  
15 then if it turns out there is a part you don't understand,  
16 we can try to get it clarified.

17 Are you aware of any process, policy or  
18 procedure by which TBN determines whether it will file new  
19 or major change low-power television station applications?

20 A Yes, I am.

21 Q Could you describe that process, policy or  
22 procedure.

23 A At least with respect to the technical side I  
24 can, which has been my purview. New facilities, at least --

25 Q Let me take one second to clarify something.

1 MR. TOPEL: This is with respect to TBN?

2 MR. SHOOK: Yes.

3 MR. TOPEL: I'm sorry.

4 BY MR. SHOOK:

5 Q You understand this is with respect to TBN?

6 A Yes, I do. From the technical side, new  
7 facilities, recommended cities for new low-power stations  
8 are arrived at through a rather complex process of the high  
9 definition of free-zone exclusionary considerations, channel  
10 availability, population considerations, topographical  
11 considerations and various other factors, and a list is  
12 boiled down and submitted for consideration for filing.

13 Q Who is involved in the process that you just  
14 described, and that would include in your answer who  
15 generates the list that you referred to?

16 A It is kind of a committee process consisting of  
17 the low-power coordinator, the consulting engineer, and I am  
18 involved to a certain extent, not continuously heavily  
19 involved in it.

20 Q The low-power coordinator in this case is  
21 George Sebastian?

22 A No, not at the moment.

23 Q Excuse me, George Horvath?

24 A Yes.

25 Q And the consulting engineer is Kevin Fisher?

1           A       Right. My involvement is generally on a  
2 case-by-case basis where either Mr. Fisher or Mr. Horvath  
3 will come to me saying, "What do you think about this? What  
4 do you think about that?" And I will offer comments and  
5 suggestions, and whatnot, with respect to technical  
6 considerations on those.

7           Q       And those gentlemen put together some kind of  
8 list?

9           A       Yes.

10          Q       That list is submitted to whom?

11          A       Jane Duff.

12          Q       We have been talking about TBN now, correct?

13          A       That's correct.

14          Q       Are you aware of any process, policy or  
15 procedure by which NMTV determines whether it will file new  
16 or major change low-power television station applications?

17          A       It's an identical process.

18          Q       What determines if a particular location is  
19 going to be a TBN filed application or an NMTV filed  
20 application?

21          A       I don't know.

22          Q       I would be correct in assuming, then, from your  
23 answer, that you have no involvement in determining whether  
24 the application to be filed will be by TBN or NMTV?

25          A       That's correct.



1 Q Are you aware of any process, policy or  
2 procedure by which TBN determines whether it will file an  
3 application to acquire a full-power television station?

4 A Can you reask the question.

5 Q This will focus on the present initially, and  
6 then we can go back in time.

7 Are you aware of any process, policy or  
8 procedure by which TBN determines whether it will file an  
9 application to acquire a full-power television station?

10 A I am not directly plugged into that process, so  
11 the answer is I don't know.

12 Q Are you aware of any process, policy or  
13 procedure that existed in the past whereby TBN determined  
14 that it would file an application to acquire a full-power  
15 television station?

16 A No.

17 Q Are you aware of any process, policy or  
18 procedure by which NMTV determines whether it will file an  
19 application to acquire a full-power television station?

20 A No.

21 Q Are you aware of any process, policy or  
22 procedure that existed in the past whereby NMTV determined  
23 it would file an application to acquire a full-power  
24 television station?

25 A No.

1 Q So I would be correct in assuming that you have  
2 no role in determining the locations for which either TBN or  
3 NMTV will file an application to acquire or construct a  
4 full-power television station?

5 A That's correct.

6 Q Are you aware of any process, policy or  
7 procedure by which TBN determines whether it will file an  
8 application to acquire an FM station?

9 A No.

10 Q Are you aware of any process, policy or  
11 procedure by which NMTV determines whether it will file an  
12 application to acquire an FM station?

13 A No.

14 Q Are you aware of any process, policy or  
15 procedure by which TBN determines whether it will file an  
16 application to construct an FM station?

17 A No.

18 Q Same question for NMTV.

19 A No.

20 Q What is your understanding of the role, if any,  
21 that Allan Brown has in the operation of TBN?

22 A My understanding is that he is chief of staff.

23 Q How long has that been the case?

24 A Three or four years.

25 Q Who was the chief of staff prior to Allan

1 Brown?

2 A Phil Crouch.

3 Q Approximately how long was he chief of staff,  
4 so far as you know?

5 A Four or five years, I think.

6 Q Prior to Phillip Crouch?

7 A I think he was the first one.

8 Q Are you aware of what role, if any, Allan Brown  
9 has in the operation of NMTV?

10 A No.

11 Q What is your understanding of the role, if any,  
12 that Charlene Williams has in the operation of TBN?

13 A Head of data processing.

14 Q How long has that been the case?

15 A I don't recall.

16 Q Was there a predecessor?

17 A I don't recall who it was. Obviously there  
18 was --

19 MR. TOPEL: Do you know whether there was a  
20 predecessor?

21 THE WITNESS: Yes, I know that there was a  
22 predecessor.

23 BY MR. SHOOK:

24 Q But you don't know who it was?

25 A I don't know who it was.

1 Q Do you know what role, if any, Charlene  
2 Williams has in the operation of NMTV?  
3 A No.  
4 Q Do you know what role, if any, Phillip Crouch  
5 has in the operation of TBN now?  
6 A He is station manager in Dallas, Texas.  
7 Q How long has that been the case?  
8 A Three years, an estimate.  
9 Q I understand. Prior to that time, that was  
10 when he was chief of staff of TBN?  
11 A Yes.  
12 Q Who is Pat St. John Clerke?  
13 A She's my purchasing secretary.  
14 Q How long has that been the case?  
15 A Three or four years now, I think.  
16 Q She also has purchasing responsibilities with  
17 respect to NMTV?  
18 A Yes.  
19 Q What role, if any, does Matthew Crouch have in  
20 the operation of TBN, so far as you know?  
21 A None.  
22 Q What role, if any, does Matthew Crouch have in  
23 the operation of NMTV, so far as you know?  
24 A I don't know.  
25 Q You are considered a manager at TBN, are you

1 not?

2 A I'm a department head.

3 Q Are there such things as department head  
4 meetings that take place with some kind of regularity?

5 A Yes, there are department head meetings. They  
6 are very infrequent, extremely infrequent.

7 Q Is this something that has been consistent over  
8 time in the sense of the infrequency of the meetings?

9 A Yes.

10 Q When a department head meeting takes place, who  
11 would be involved?

12 A Only those department heads for which the  
13 meeting is germane.

14 Q How many department heads are there, so far as  
15 you know?

16 A I don't know.

17 Q Within the last 12 months, how many department  
18 head meetings have you personally participated in?

19 A One or two.

20 Q At those meetings, could you tell me what the  
21 purposes of the meetings were and who was present.

22 A In both cases it was discussion of the  
23 development and installation of a local area network for  
24 computers, and included, but not limited to, George Murray,  
25 operations manager; Charlene Williams, at that time data

1 processing manager; Terry Hickey, administrative assistant  
2 to the president; Paul Crouch, in the case of one meeting;  
3 Al Brown, chief of staff; Donna Sharp, working under  
4 Al Brown, and I don't recall the others.

5 Q Within the last five years have you ever had  
6 any meetings of any kind with chief engineers of TBN and/or  
7 NMTV stations?

8 A Only by virtue of my visits to their cities. I  
9 would say that the only meetings that have occurred were in  
10 an informal setting and coincidental to my visit to the city  
11 that that chief engineer was in.

12 Q Am I correct in assuming that a chief engineer  
13 at a TBN station, for example, the station in Bloomington,  
14 Indiana, would not report to you on a regular basis with  
15 respect to any matter?

16 A Yes, they do.

17 Q What do they report to you about?

18 A They are to obtain approval from me for capital  
19 expenditures. They are to report to me with respect to  
20 criteria for hiring staff members. If any technical  
21 deficiencies are noted either by their manager or by myself,  
22 they report directly to me in terms of their performance  
23 from a technical standpoint, and I can recommend the  
24 dismissal of a Trinity chief engineer. I set policies for  
25 all Trinity chief engineers. And there may be other aspects

1 I just haven't thought of.

2 Q How long has this been the case, the situation  
3 that you just described?

4 A Since I've held the title of director of  
5 engineering.

6 Q What, if anything, would change if instead of  
7 referencing a TBN chief engineer I was to reference an NMTV  
8 chief engineer?

9 A They do not report to me. I act in an advisory  
10 capacity. They will contact me for advice sometimes as an  
11 advocate to Jane Duff. They will sometimes come to me in  
12 asking for support for lobbying a new piece of equipment, or  
13 something. If I agree with them in my advisory role, I  
14 will -- I think my opinion is held in certain stead with  
15 Jane.

16 I interface with them in offering advice and  
17 recommendations with respect to FCC compliance. I assist  
18 them with preparation of documents and application forms. I  
19 assist them with respect to identifying vendors, defining  
20 spare parts, that type of thing.

21 Q Has that situation always been the case, or was  
22 it different at an earlier point in time?

23 A No. That's always been the case.

24 Q If I were to substitute Community Educational  
25 Television chief engineers for TBN chief engineers, what

1 would your answer be?

2 A It would be the same.

3 Q Your responsibilities for Community Educational  
4 TV chief engineers is the same as for TBN chief engineers?

5 A That's correct.

6 Q What about Jacksonville, whatever the rest of  
7 that is, Jacksonville Educators Broadcasting's chief  
8 engineers?

9 A Jacksonville Educators would be the same as  
10 National Minority. Sonlight and All American are even more  
11 distant.

12 Q You anticipated where I was going, but I hadn't  
13 asked the question.

14 A I'm sorry, I thought you asked for all the  
15 other entities, and I was going on with it, I'm sorry.

16 Q The way your lawyers jumped out of their  
17 chairs, it was apparent I hadn't.

18 A I misunderstood the question, I'm sorry.

19 Q It's late in the day, I understand.

20 I'm going to show you a letter dated July 29,  
21 1991. It's on National Minority Television, Inc.  
22 letterhead, Bates stamped 00370. The letter is not signed  
23 by you, but it does reflect a cc to you.

24 Do you have any knowledge as to how this letter  
25 came to be prepared?



1 A No, I don't.

2 Q Do you have any knowledge as to what the letter  
3 is referencing?

4 A The letter doesn't make sense to me.

5 Q Can you explain to us why it doesn't make sense  
6 to you.

7 MR. TOPEL: Can I just consult with the witness off  
8 the record?

9 (Discussion off the record.)

10 MR. TOPEL: So far everything you've asked was  
11 covered yesterday.

12 MR. COHEN: I'm very pleased, Jim, that great minds  
13 like yours and mine run in the same channels, and I think  
14 the record should reflect that.

15 MR. SHOOK: I suspect the record is reflecting that.

16 Q Mr. Miller, I'm going to show you a document  
17 that is dated February 14, 1992. It's Bates stamped 028455  
18 through 028459.

19 A Okay.

20 Q Have you seen the document before, sir?

21 A No, I haven't.

22 Q To your knowledge, did you have any input in  
23 the generation of this document?

24 A I don't even know what the document is.

25 Q Would you happen to know what A.A.T. Birmingham

1 is? And Birmingham is not spelled out entirely, but that  
2 appears to be what it is.

3 A I couldn't tell you for sure.

4 MR. SHOOK: Why don't we take a couple minutes.

5 (Recess taken.)

6 MR. SHOOK: Back on the record.

7 Q Mr. Miller, I have documents to show you that  
8 are Bates stamped 027407 through 027410. They concern a  
9 purchase order for NMTV. I believe they're connected, but  
10 if they're not, please tell me.

11 A Yeah, they're sequential.

12 Q Let's see what that number is up at the top so  
13 we can identify it here. It looks like 372820.

14 A There may be another 0, 372820 -- I can't tell.  
15 It's difficult to read.

16 Q Look at the later pages and perhaps it will  
17 identify it.

18 A It's 372820.

19 Q First of all, there are some initials that are  
20 reflected down at the bottom of the first page. Can you  
21 identify those initials?

22 A These are mine.

23 Q Do you recall initialing this document?

24 A Yes, I do.

25 Q Can you tell me how this document came to be

1 prepared?

2 A After identifying the required equipment for  
3 the project --

4 Q The project in question is?

5 A Huntington, West Virginia.

6 Q Which is a low-power television station?

7 A Yes, low-power television station W19BK. The  
8 process would have been Mr. Horvath, upon successfully  
9 securing all of the logistics with respect to being able to  
10 construct the station, would upon my general order submit a  
11 request for bid to the vendor. In this case the vendor  
12 would have been sent a proposal.

13 I would review the proposal for appropriateness  
14 of equipment and for budgetary considerations, negotiate  
15 further, if required, followed by the issuance of a purchase  
16 order for the equipment and the services.

17 Q The numbering of this purchase order, can you  
18 tell me how that numbering system came to be?

19 A I really don't know.

20 Q Is this a numbering system that encompasses  
21 more than just NMTV?

22 A I don't know.

23 Q Now, at the bottom of the first page, and I can  
24 bring it back to you here, there is a reference, it says,  
25 "verbal PFC to president's office." Can you tell me what

1 that's all about?

2 A I requested that that be put on there of my own  
3 volition.

4 Q And what does it mean?

5 A It refers to a system that exists within  
6 Trinity of three classifications of purchase orders that  
7 would not require prior approval. Do you want me to  
8 elaborate?

9 Q Please.

10 A One was classified as emergency,  
11 self-explanatory. The second would be nondiscretionary  
12 capital purchases. The third would be verbal PFC.

13 Q What does "PFC" mean?

14 A Paul F. Crouch.

15 Q This means that you obtained his verbal  
16 approval for the purchases here?

17 A No, it doesn't.

18 Q What does it mean?

19 A It would normally. In this case it just  
20 automatically went on the document based on my general  
21 orders to the purchasing department.

22 Q I'm perplexed. This means that you did not  
23 have any conversation with Mr. Crouch about these matters?

24 A That's correct.

25 Q You had intended to?

1           A       No. It's a coding in order to get the document  
2 through the accounting department.

3           Q       This "verbal PFC," is it telling the accounting  
4 department that there was some approval given by Mr. Crouch  
5 relative to these purchases?

6           A       That's what that signifies, yes.

7           Q       Although in this particular case that, in fact,  
8 did not happen?

9           A       In this particular case there was no  
10 conversation with him, only from the standpoint of the  
11 general authority I was given with respect to all low-power  
12 facilities for National Minority.

13          Q       What, if any, reason was there for the apparent  
14 necessity to have "verbal PFC" put on this form?

15          A       Because of my approach to getting -- well,  
16 first of all, it's an automatic thing that I assign to all  
17 documents that go through my purchasing secretary. A  
18 document will not be processed -- it is my understanding, my  
19 assumption, that a document exceeding a certain budgetary  
20 amount will not be processed in the system, in this case,  
21 the people who process documents for National Minority,  
22 without something on that document. That is my assumption  
23 that that was needed for that document to go through the  
24 process and not be kicked back.

25          Q       What is your understanding as to what that

1 figure that you referred to is?

2 A Any capital purchases in excess of \$500.

3 Q And the purchases that are reflected here are  
4 in the nature of capital purchases?

5 A That's correct.

6 Q We have an amount here, apparently the total  
7 looks like 79,000-plus.

8 A Yes.

9 Q So it's your understanding that the accounting  
10 department would not have approved or would have kicked back  
11 this purchase order without the notation here that reflects  
12 that Paul Crouch had given his seal of approval in some way?

13 A It's my assumption.

14 Q Rather than the word "understanding"?

15 A That's correct.

16 Q Can you explain how you came to have that  
17 assumption.

18 A Because it is an understanding in the case of  
19 Trinity where I was specifically told that Trinity business  
20 had to be classified that way. I was not specifically told  
21 any particular processing system for National Minority TV,  
22 therefore I assumed that something would be needed on the  
23 document and put that on there.

24 Q Have events proved to you that your assumption  
25 is accurate?

1           A       I haven't submitted -- to the best of my  
2 knowledge, I haven't submitted one without an appropriate  
3 coding on it and had it rejected.

4           Q       So at least so far as you are aware, events  
5 have proved you are right?

6           MR. TOPEL: Well, you can ask that question, but to  
7 the extent that's a conclusion from that answer, I don't  
8 think that's an accurate conclusion.

9           MR. SHOOK: I'm sure Mr. Miller can correct me.

10          THE WITNESS: I have not tested it by sending one  
11 without the coding, to the best of my knowledge, so to date  
12 I have not had one rejected with that coding on there. I  
13 don't know what else I can say.

14          MR. SHOOK: You've answered the question in your own  
15 way, which is what you're entitled to do.

16                   I have no further questions. And I thank you  
17 for bearing with me covering ground that was covered  
18 previously.

19                   (Recess taken.)

20          MR. TOPEL: Back on the record.

21  
22                                   EXAMINATION

23 BY MR. TOPEL:

24           Q       Mr. Miller, you recall at the conclusion of the  
25 direct examination that Mr. Shook was showing you a purchase

1 order for National Minority Television that had on it some  
2 initials that you identified as being Paul F. Crouch. Do  
3 you remember that line of examination?

4 A Yes.

5 Q Can you tell me, to your understanding, is  
6 Mr. Crouch an officer of National Minority Television?

7 A Yes.

8 Q And do you know what office he holds?

9 A President.

10 Q And can you tell me what your understanding is  
11 of the role that Mr. Crouch plays for National Minority  
12 Television regarding the purchase of equipment.

13 A I was directed to work with Mr. Crouch by Jane  
14 Duff on all matters pertaining to technical and equipment  
15 facilities budgetary matters.

16 Q Do you recall that pursuant to the examination  
17 by Mr. Shook you indicated the process -- let me summarize,  
18 and, Mr. Shook, I ask you to correct me if I'm stating what  
19 I recall the testimony to be inaccurately.

20 MR. COHEN: Why do you need to do that?

21 MR. TOPEL: Excuse me?

22 MR. COHEN: Why do you need to do that?

23 MR. TOPEL: Because I'm making a predicate. Okay. I  
24 can ask the question.

25 Q Do you recall with respect to National Minority



1 Television that you testified that the process that you  
2 followed was that Jane Duff granted you general authority  
3 and instructed you that Paul Crouch was to work with you on  
4 technical budgetary and equipment issues, essentially what  
5 you just said?

6 A Yes.

7 Q And do you recall testifying that the process  
8 with respect to matters concerning Trinity Broadcasting  
9 Network was the same?

10 A I remember having responded affirmatively to  
11 that question.

12 Q Now, is it in fact correct that with respect to  
13 matters for Trinity Broadcasting Network, Jane Duff gives  
14 you general authority to communicate with Paul Crouch and  
15 work with him on technical budgetary and equipment issues?

16 A No, that's incorrect. Only the process  
17 following that is identical.

18 Q Does Jane Duff play any role in your processes  
19 in that regard for Trinity Broadcasting Network?

20 A No.

21 Q So that would be a difference in the role that  
22 she plays between National Minority Television and the role  
23 she has or doesn't have for Trinity Broadcasting Network?

24 A That's correct.

25 Q Mr. Miller, I'm showing you some forms that